

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. A mailing of correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22883 7590 05/11/2005

SWERNOFSKY LAW GROUP PC  
 P.O. BOX 390013  
 MOUNTAIN VIEW, CA 94039-0013

06/01/2005 AKELECH2 00000001 09383340

01 FC:1501 1400.00 OP  
 02 FC:8001 9.00 OP

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

|                    |                    |
|--------------------|--------------------|
| <i>Depositor</i>   | (Depositor's name) |
| <i>[Signature]</i> | (Signature)        |
| <i>5/26/2005</i>   | (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/383,340      | 08/25/1999  | STEVEN KLEIMAN       | NAP-010             | 6451             |

TITLE OF INVENTION: SCALABLE FILE SERVER WITH HIGHLY AVAILABLE PAIRS

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO           | \$1400    | \$0             | \$1400           | 08/11/2005 |

| EXAMINER     | ART UNIT | CLASS-SUBCLASS |
|--------------|----------|----------------|
| DINH, DUNG C | 2152     | 709-203000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

*Swernofsky Law Group PC*

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

*Network Appliance, Inc.*

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

*Sunnyvale, CA*Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies *THRU (3)*

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number *50-0361* (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

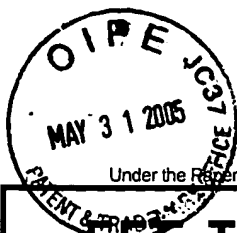
*Swernofsky*  
 SWERNOFSKY  
 TYPED OR PRINTED NAME STEVEN STEWART

Date 5-26-2005

Registration No. 33,040

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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22883

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 1409.00**Complete if Known**

|                      |             |
|----------------------|-------------|
| Application Number   | 09/383,340  |
| Filing Date          | 8/25/1999   |
| First Named Inventor | Kleiman     |
| Examiner Name        | Dinh, D.    |
| Art Unit             | 2152        |
| Attorney Docket No.  | 103.1007.02 |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit  
Account  
Number  
  
Deposit  
Account  
Name

50-0365

Swernofsky Law Group PC

**The Director is authorized to: (check all that apply)**☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 790      | 2001         | 395      | Utility filing fee     |          |
| 1002         | 350      | 2002         | 175      | Design filing fee      |          |
| 1003         | 550      | 2003         | 275      | Plant filing fee       |          |
| 1004         | 790      | 2004         | 395      | Reissue filing fee     |          |
| 1005         | 200      | 2005         | 100      | Provisional filing fee |          |

**SUBTOTAL (1)** (\$ 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    |                      | Extra Claims |                      | Fee from below |                      | Fee Paid |                      |
|--------------------|----------------------|--------------|----------------------|----------------|----------------------|----------|----------------------|
|                    |                      |              |                      |                |                      |          |                      |
| Total Claims       | <input type="text"/> | -20**=       | <input type="text"/> | X              | <input type="text"/> | =        | <input type="text"/> |
| Independent Claims | <input type="text"/> | -3**=        | <input type="text"/> | X              | <input type="text"/> | =        | <input type="text"/> |
| Multiple Dependent |                      |              |                      |                |                      | =        | <input type="text"/> |

| Large Entity |          | Small Entity |          | Fee Description   | Fee Paid |
|--------------|----------|--------------|----------|---|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |   |          |
| 1202         | 50       | 2202         | 25       | Claims in excess of 20                                    |          |
| 1201         | 200      | 2201         | 100      | Independent claims in excess of 3                         |          |
| 1203         | 360      | 2203         | 180      | Multiple dependent claim, if not paid                     |          |
| 1204         | 200      | 2204         | 100      | **Reissue independent claims over original patent         |          |
| 1205         | 50       | 2205         | 25       | **Reissue claims in excess of 20 and over original patent |          |

**SUBTOTAL (2)** (\$ 0.00

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid  |
|--------------|----------|--------------|----------|--|-----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |           |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |           |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |           |
| 1053         | 130      | 1053         | 130      | Non-English specification  |           |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |           |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |           |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |           |
| 1251         | 120      | 2251         | 60       | Extension for reply within first month                                     |           |
| 1252         | 450      | 2252         | 225      | Extension for reply within second month                                    |           |
| 1253         | 1,020    | 2253         | 510      | Extension for reply within third month                                     |           |
| 1254         | 1,590    | 2254         | 795      | Extension for reply within fourth month                                    |           |
| 1255         | 2,160    | 2255         | 1,080    | Extension for reply within fifth month                                     |           |
| 1401         | 500      | 2401         | 250      | Notice of Appeal   |           |
| 1402         | 500      | 2402         | 250      | Filing a brief in support of an appeal                                     |           |
| 1403         | 1000     | 2403         | 500      | Request for oral hearing   |           |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |           |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |           |
| 1453         | 1,370    | 2453         | 685      | Petition to revive - unintentional   |           |
| 1501         | 1,400    | 2501         | 700      | Utility issue fee (or reissue)   | \$1400.00 |
| 1502         | 800      | 2502         | 400      | Design issue fee   |           |
| 1503         | 1,100    | 2503         | 550      | Plant issue fee  |           |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |           |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |           |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |           |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |           |
| 1809         | 790      | 2809         | 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |           |
| 1810         | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR 1.129(b))             |           |
| 1801         | 790      | 2801         | 395      | Request for Continued Examination (RCE)                                    |           |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |           |

Other fee (specify) 8001 Patent Copies

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 1409.00

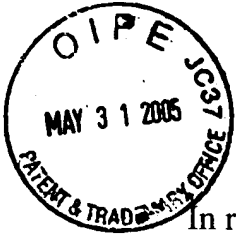
**SUBMITTED BY****Complete (if applicable)**

|                   |                      |                                   |        |           |              |
|-------------------|----------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Steven A. Swernofsky | Registration No. (Attorney/Agent) | 33,040 | Telephone | 650-947-0700 |
| Signature         |                      |                                   |        | Date      | 5-26-2005    |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kleiman

Art Unit: 2152

Serial No. 09/383,340

Examiner: Dinh, D.

Filed: 8/25/1999

For: Scalable File Server with Highly Available Pairs

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Commissioner for Patents  
MAIL STOP ISSUE FEE  
Alexandria, VA 22313-1450

on 5/26/2005 by  \_\_\_\_\_  
Date Name

**TRANSMITTAL OF ISSUE FEE**

Honorable Commissioner  
for Patents  
MAIL STOP ISSUE FEE  
Alexandria, VA 22313-1450

Dear Sir:

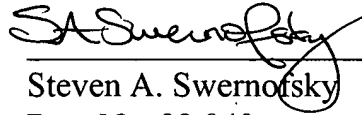
With respect to the above-identified patent application, enclosed herewith for filing are the following:

1. Part B —Fee(s) Transmittal (2 copies);
2. Fee Transmittal Form SB/17 (2 copies); and
3. Credit Card Payment Authorization in the amount of \$1409.00 for payment of the Issue Fee (\$1400.00) and

for three (3) copies of the printed patent (\$9.00).

Respectfully submitted,

Dated: 5-26-2005

  
\_\_\_\_\_  
Steven A. Swernofsky  
Reg. No. 33,040

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Mountain View, CA 94039-0013  
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